

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	07-00002-01-CR-W-GAF
Antwan Delonte Jones,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on January 28, 2009. Defendant Antwan Delonte Jones appeared in person and with retained counsel Dan Viets. The United States of America appeared by Assistant United States Attorneys Kate Mahoney.

***I. BACKGROUND***

On January 3, 2007, an indictment was returned charging defendant with one count of conspiracy to distribute and possess with intent to distribute phencyclidine (PCP) , in violation of 21 U.S.C. § 846<sup>1</sup>, and one count of possession with intent to distribute PCP, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). Defendant was arrested on December 14, 2007. Codefendant Shalanda Bryant pled guilty on February 1, 2007.

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<sup>1</sup>The original indictment mistakenly omitted “to distribute and to possess with intent to distribute”; however, that language was added by stipulation (see document number 48).

The following matters were discussed and action taken during the pretrial conference:

## ***II. TRIAL COUNSEL***

Ms. Mahoney announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Errol Riggins, KCPD Officer assigned to DEA.

Mr. Viets announced that he will be the trial counsel for defendant Antwan Delonte Jones. He will be assisted by Sheila Dundon.

## ***III. OUTSTANDING MOTIONS***

The following motions are currently pending for ruling by the district judge:

1. Motion in limine, filed by defendant on April 9, 2008 (document number 63).
2. Motion to suppress, filed by defendant on December 3, 2008 (document number 83), Report and Recommendation filed January 22, 2008 (document number 96).

## ***IV. TRIAL WITNESSES***

Ms. Mahoney announced that the government intends to call 10 to 12 witnesses without stipulations or 8 to 10 witnesses with stipulations during the trial.

Mr. Viets announced that defendant Antwan Delonte Jones intends to call 3 to 4 witnesses during the trial. The defendant may testify.

## ***V. TRIAL EXHIBITS***

Ms. Mahoney announced that the government will offer approximately 35 to 40 exhibits in evidence during the trial.

Mr. Viets announced that defendant Antwan Delonte Jones will offer 1 exhibit in evidence during the trial.

**VI. DEFENSES**

Mr. Viets announced that defendant Antwan Delonte Jones will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Mr. Viets stated this case may be for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to chain of custody and chemist's reports.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take 3 days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 24, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by January 28, 2009;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 4, 2009;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, February 4, 2009. Counsel are requested to provide proposed jury instructions<sup>2</sup>

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<sup>2</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, February 6, 2009. To the extent there are disagreements to certain instructions, each

in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

***XI. UNUSUAL QUESTIONS OF LAW***

Motions in limine on 404(b) evidence and prior bad acts will be filed on Friday, January 30, 2009. There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 9, 2009.

Defense counsel, who is hearing impaired, will need a sound amplifying device for his use at trial.

The parties request the second week of the docket. The prosecutor will be in the Eighth Circuit during the first week of the docket. Defense counsel has witnesses and defendant's family members traveling from Washington D.C., and therefore would like as definite a date as possible.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
January 28, 2009

cc: The Honorable Gary Fenner  
Ms. Kate Mahoney  
Mr. Dan Viets  
Mr. Jeff Burkholder

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attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.